

JUDGMENT

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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NO. 03-10117  
CT/AG#: CR-02-00245-DAE

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

CHRISTOPHER ISAAC NATIVIDAD

Defendant - Appellant

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

NOV 18 2003  
at 1 o'clock and 30 min. P.  
WALTER A. Y. H. CHINN, CLERK


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APPEAL FROM the United States District Court for the  
District of Hawaii (Honolulu) .

THIS CAUSE came on to be heard on the Transcript of the  
Record from the United States District Court for the  
District of Hawaii (Honolulu)  
and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and  
adjudged by this Court, that the judgment of the said  
District Court in this cause be, and hereby is DISMISSED.

Filed and entered October 20, 2003

CLERK OF COURT  
ATTEST  
NOV 12 2003  
BY: 

40

11-10  
**FILED**

OCT 20 2003

CATHY A. CATTERSON  
CLERK, U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER ISAAC NATIVIDAD,

Defendant - Appellant.

No. 03-10117

D.C. No. CR-02-00245-DAE

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
David A. Ezra, District Judge, Presiding

Submitted October 14, 2003\*\*

Before: WARDLAW, BERZON and CLIFTON, Circuit Judges.

Christopher Isaac Natividad appeals his 262-month sentence following his guilty plea to distribution of methamphetamine within 1,000 feet of a private

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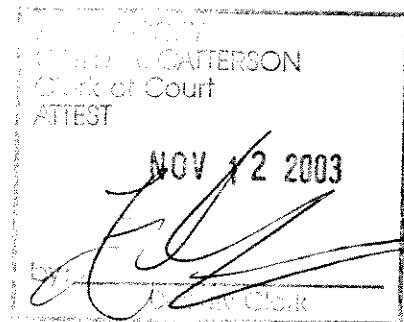
\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

elementary school and possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 860(a) and 841(a)(1).

Natividad argues that the district court failed to make adequate findings in rejecting his claim of sentencing entrapment or manipulation by undercover officers. The record, however, is clear that the court exercised its discretion not to make a downward departure. Such a discretionary decision is unreviewable. *See United States v. Romero*, 293 F.3d 1120, 1126 (9th Cir. 2002), *cert. denied*, 123 S. Ct. 948 (2003).

**DISMISSED.**



INTERNAL USE ONLY: Proceedings include all events.  
03-10117 USA v. Natividad

UNITED STATES OF AMERICA  
Plaintiff - Appellee

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v.

CHRISTOPHER ISAAC NATIVIDAD  
Defendant - Appellant

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